IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 272 OF 2006

IN

CONTEMPT PETITION NO. 40 OF 2005

IN

WRIT PETITION NO. 2839 OF 2001

Mrs. Suteja S. Mathkar ...Appellant

Versus

Sheshrao Sangle and Ors. .....Respondents

Mr. R.M. Parekh for the appellant.

CORAM: **KSHITIJ R. VYAS, C.J.** &
ABHAY S. OKA, J.

DATE: **JULY 06, 2006**.

P.C.

This appeal is directed against the order dated 10th February, 2006, in Contempt Petition No. 40 of 2005, wherein the learned single Judge has recorded the submission of the parties that respondent No.1 had complied with the directions by passing the order. The learned Judge has, therefore, observed that nothing survived in the contempt petition and disposed of the same.

2. In view of the decision of the Apex Court in *Midnapore Peoples' Co-op. Bank Ltd. and Ors.* vs. *Chunilal Nanda & Ors.* , 2006 AIR SCW 2766, wherein the Apex Court has held that the appeal is maintainable only against the order punishing for contempt and other circumstances narrated in the said decision. In our opinion, the case in hand does not fulfil any of the circumstances narrated in the said judgment and, therefore, this Appeal is not maintainable.

3. The learned counsel appearing for the appellant has, however, invited our attention to a decision of the Apex Court rendered in *V.M. Manohar Prasad* vs. *N. Ratnam Raju & Anr.* ([2004] 13 SCC 610) and contended that since the order passed by the learned single Judge is without jurisdiction, the appeal would lie to the Appellate Court. We have gone through the said decision. In paragraph 7 of the said decision, the Apex Court has observed that there is no doubt about the position under the law that in contempt proceedings no further directions could be issued by the Court. In case, it is found that there is violation of the order passed by the Court, the Court may punish the contemnor otherwise notice of contempt is to be discharged. Thus, it is clear that as per the observations of the Supreme Court, the Court cannot issue any direction in contempt petition except passing order of

punishment. As far as the case on hand is concerned, no direction whatsoever has been given by the learned single Judge and, therefore, in our opinion, the directions contained in *Midnapore Peoples' Co-op. Bank Ltd (*supra) would apply. Accordingly the appeal is dismissed as being not maintainable.

CHIEF JUSTICE

ABHAY S. OKA, J.